

New Report

50th Legislature - 1st Regular Session, 2011

Thursday, Jan 27 2011 9:53 AM

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Oppose

Posted Calendars and Committee Hearings

H2354 : GRAND JURY PROCEEDINGS; ELECTRONIC RECORDING

Hearing: House Judiciary (Thursday 01/27/11 at 9:00 AM, House Rm. 4)

H2363 : FINANCIAL INSTITUTION RECORDS; DISCLOSURE; NOTICE

Hearing: House Judiciary (Thursday 01/27/11 at 9:00 AM, House Rm. 4)

S1156 : GRAND JURY PROCEEDINGS; ELECTRONIC RECORDING

Hearing: Senate Judiciary (Monday 01/31/11, Senate Rm. 1)

Bill Summaries

H2014: FIREARMS; CONCEALED WEAPONS; UNIVERSITIES

Universities and community colleges cannot enact policies or rules that prohibit the possession of a concealed weapon by a person with a valid concealed weapon permit or that prohibit the transportation or storage of a firearm in a private motor vehicle.

First sponsor: Rep. Harper

General Comments (all lists):

APAAC opposed restaurant/bars together w/LE 2010. Expands beyond just faculty members.

H2014 Daily History	Date	Action
No actions posted for this bill within the requested time frame.		

H2228: MARIJUANA; CLASSIFICATION; PETTY OFFENSE

Possession or use of two ounces or less of marijuana that is not intended for sale shall be a petty offense with a fine not to exceed \$100.

First sponsor: Rep. Fillmore

General Comments (all lists):

MW Fillmore re: purpose and explain they do Diversion-go w/MCAO

H2228 Daily History	Date	Action
MARIJUANA; CLASSIFICATION; PETTY OFFENSE 1/24 referred to House jud.		

H2232: SENTENCING; CRIMINAL RESTITUTION ORDER

The list of circumstances under which a trial court retains jurisdiction of a criminal restitution case is expanded to include ordering and enforcing the manner in which the court-ordered payments are made. Previous language stated the trial court retained jurisdiction only for purposes of modifying payments. The time when the court must enter a restitution order in favor of each person entitled to restitution and in favor of the state for unpaid fees, fines, incarceration costs, assessments, etc., is when the defendant is sentenced rather than either when sentenced or when the defendant completes probation.

First sponsor: Rep. Goodale

General Comments (all lists):

Removes rest. as a prob. tool and interest starts accruing and they may not know the full amt at sentencing.

Oppose pending RV w/AGO, victims and see also absconders bill of MCAO

H2232 Daily History	Date	Action
SENTENCING; CRIMINAL RESTITUTION ORDER 1/24 referred to House jud.		

H2244: DIGITAL COPY MACHINE; ERASING; OFFENSE

Individuals and entities selling or giving a digital copy machine to another person must first destroy every record stored on the digital copy machine. Violations are a class 1 misdemeanor. A person whose business or property is injured from a violation may bring an action in court to recover damages.

First sponsor: Rep. Robson
Others: Rep. Brophy McGee

General Comments (all lists):

Why criminal?

H2244 Daily History	Date	Action
DIGITAL COPY MACHINE; ERASING; OFFENSE 1/26 referred to House jud, com.		

H2354: GRAND JURY PROCEEDINGS; ELECTRONIC RECORDING

The presiding judge of the superior court is authorized to use an electronic recording system rather than a court reporter to record the proceedings of a grand jury.

First sponsor: Rep. Farnsworth
Others: Rep. Ash, Rep. Pancrazi

General Comments (all lists):

Need more info/ no \$, check w/John McDonald and ask Derek how he does it w/out this statute. Do we need a law? See also 1156

H2354 Daily History	Date	Action
GRAND JURY PROCEEDINGS; ELECTRONIC RECORDING 1/20 referred to House jud.		

H2363: FINANCIAL INSTITUTION RECORDS; DISCLOSURE; NOTICE

Financial institutions are prohibited from disclosing financial records to government authorities unless the customer gives written consent, a subpoena has been served, or the government authority has a search warrant for the specific record.

First sponsor: Rep. Smith

Others: Rep. Ash, Rep. Barton, Rep. Burges, Rep. Crandell, Rep. Dial, Rep. Gowan, Rep. Harper, Rep. Montenegro, Rep. Seel, Rep. Stevens, Rep. Ugenti, Rep. Vogt, Rep. Yee

General Comments (all lists):

Will be held in Judiciary on 1/27; working iwth AGO on stakeholder's meeting to unify opposition as was done last year

H2363 Daily History	Date	Action
FINANCIAL INSTITUTION RECORDS; DISCLOSURE; NOTICE 1/20 referred to House jud.		

H2368: DETENTION AT HOME; COUNTIES, CITIES

Counties and municipalities are required, instead of allowed, to establish a prisoner work, community restitution work and home detention program, and are authorized to enter into an agreement to use another county or municipality's program.

First sponsor: Rep. Smith

Others: Rep. Ash, Rep. Barton, Rep. Burges, Rep. Montenegro, Rep. Seel, Rep. Stevens

General Comments (all lists):

Defer to AACO; League

H2368 Daily History	Date	Action
DETENTION AT HOME; COUNTIES, CITIES 1/20 referred to House mil-pub, gov.		

H2371: DUI; IGNITION INTERLOCK DEVICE

A person convicted of a first offense of driving under the influence is no longer required to equip a motor vehicle with an ignition interlock device for 12 months.

First sponsor: Rep. Smith

Others: Rep. Ash, Rep. Barton

H2371 Daily History	Date	Action
DUI; IGNITION INTERLOCK DEVICE 1/20 referred to House trans, jud.		

H2374: SENTENCING; MINIMUM & MAXIMUM TERMS

Modifies sentencing structure for various felony offenses. The sentences previously used as mitigated sentence terms are established as the new minimum sentence, and those used as aggravated sentence terms are established as the new maximum sentence. The terms mitigated and aggravated are no longer used, and the previous minimum and maximum sentences are deleted. Increases the number of felony convictions necessary for a person to be sentenced as a repetitive offender. Also changes sentencing for violation of parole for drug offenses.

First sponsor: Rep. Ash

Others: Rep. Carter, Rep. Court, Rep. Fann, Rep. Meyer, Rep. R. Miranda, Rep. C. Miranda, Rep. Patterson, Rep. Seel, Rep. Smith, Sen. L. Gray

General Comments (all lists):

"Stakeholder" bill; removes aggravator/mitigator, etal.

H2374 Daily History

Date Action

SENTENCING; MINIMUM & MAXIMUM TERMS 1/20 referred to House jud.

H2378: LIFE SENTENCE; PAROLE ELIGIBILITY

A person convicted of murder for an offense committed before August 8, 1973, and who was sentenced to life in prison is eligible for parole after serving 25 calendar years. If the person was convicted of any other offense, the person is eligible for parole only to the consecutive sentence. The Dept of Corrections is required to notify all persons eligible for parole under this legislation within 30 days after the effective date. Emergency clause.

First sponsor: Rep. Ash

Others: Rep. Court, Rep. McLain, Rep. R. Miranda, Rep. C. Miranda, Rep. Pancrazi, Rep. Patterson, Rep. Pratt, Rep. Smith, Sen. L. Gray

General Comments (all lists):

Have Paul's package from last year; need to hear from victims

CW Senator Gray

Potential constitutional issue=-if a plea agreement this bill would interfere with a contract

H2378 Daily History

Date Action

LIFE SENTENCE; PAROLE ELIGIBILITY 1/24 referred to House jud.

H2380: PRISONERS; MEDICAL PAROLE

Authorizes the Board of Executive Clemency to release a prisoner on medical parole under specified circumstances, including an incapacitating physical condition or disease, with review and acceptance by the Dept of Corrections. Does not apply to prisoners sentenced to death or natural life.

First sponsor: Rep. Ash

Others: Rep. Harper, Rep. R. Miranda, Rep. C. Miranda, Rep. Pancrazi, Rep. Patterson, Rep. Smith, Sen. L. Gray

General Comments (all lists):

Get info from ADOC, esp re: sex offenders

H2380 Daily History

Date Action

PRISONERS; MEDICAL PAROLE 1/24 referred to House jud.

H2479: FIREARMS; EDUCATIONAL INSTITUTIONS

Governing boards of educational institutions cannot enact policies or rules that prohibit the possession of a concealed weapon by a person with a valid concealed weapon permit or that prohibit the transportation or storage of a firearm in a private motor vehicle.

First sponsor: Rep. Gowan

Others: Rep. Burges, Sen. Antenori

H2479 Daily History	Date	Action
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No actions posted for this bill within the requested time frame.

HCR2025: EXECUTIVE CLEMENCY BOARD; COMMUTATION

The 2012 general election ballot is to carry the question of whether to amend the state Constitution and statutes to remove from the governor the power to commute sentences of those who committed felony offenses. Commutation may be granted directly by the Board of Executive Clemency. Effective for those who committed a felony after Jan 1, 1994.

First sponsor: Rep. Ash

Others: Rep. Barton, Rep. Brophy McGee, Rep. Chabin, Rep. Judd, Rep. Meyer, Rep. R. Miranda, Rep. C. Miranda, Rep. Patterson, Rep. Smith, Sen. Gould

HCR2025 Daily History	Date	Action
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No actions posted for this bill within the requested time frame.

S1027: DUI; CONTINUOUS ALCOHOL MONITORING PROGRAM

A municipality or county sheriff may establish a continuous alcohol monitoring program for persons convicted of DUI (BAC of 0.08 or greater) or extreme DUI (BAC of 0.15 or greater). Eligibility standards to enter the program are established. The period of monitoring shall be treated the same as confinement in jail. The person shall bear all costs of testing, enrollment and monitoring. Also, the director of the Dept of Corrections may establish rules by which prison inmates sentenced for violation of certain DUI statutes may be released into a continuous alcohol monitoring program.

First sponsor: Sen. L. Gray

General Comments (all lists):

Opposition based upon the elimination of the mandatory 24 hours (but the 10 days would not be suspended). Also costly, but if defendant pays? Permissive language.

S1027 Daily History	Date	Action
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DUI; CONTINUOUS ALCOHOL MONITORING PROGRAM 1/26 Senate pub-hu ser amended; report awaited.

DUI; CONTINUOUS ALCOHOL MONITORING PROGRAM 1/10 referred to Senate pub-hu ser, jud.

S1061: HOMICIDE; INTERROGATIONS; ELECTRONIC RECORDING

With certain stated exceptions, all interrogations of a person in custody as part of a homicide investigation shall be electronically recorded. Recordings shall be kept until the defendant's conviction is final and all appeals are exhausted.

First sponsor: Sen. Sinema

General Comments (all lists):

Oppose, MCAO and PCAO also opp. Sinema bill; this is a best practice being trained by AZPOST anyhow; minority bill

S1061 Daily History

Date Action

HOMICIDE; INTERROGATIONS; ELECTRONIC RECORDING 1/11 referred to Senate jud, appro.

S1156: GRAND JURY PROCEEDINGS; ELECTRONIC RECORDING

The presiding judge of the superior court is authorized to use an electronic recording system rather than a court reporter to record the proceedings of a grand jury.

First sponsor: Sen. L. Gray

Others: Rep. Burges, Rep. R. Miranda, Rep. C. Miranda, Sen. Aboud, Sen. Klein

S1156 Daily History

Date Action

GRAND JURY PROCEEDINGS; ELECTRONIC RECORDING 1/19 referred to Senate jud.

S1191: JUVENILES; DISCRETIONARY TRANSFER; ADULT COURT

Allows the court to prosecute a juvenile in adult court under specified circumstances for any violation. Previously, this option applied only to violations of sexual offenses.

First sponsor: Sen. L. Gray

Others: Rep. Ash, Rep. Goodale, Sen. Barto, Sen. Crandall, Sen. Driggs

S1191 Daily History

Date Action

JUVENILES; DISCRETIONARY TRANSFER; ADULT COURT 1/24 referred to Senate pub-hu ser.

S1201: FIREARMS OMNIBUS

The state and state agencies are prohibited from enacting any ordinance, rule or tax relating to the transportation, possession, sale, gift, storage, registration or use of firearms or ammunition. It is no longer misconduct involving weapons to carry a deadly weapon in a public establishment or at a public event after a request from the operator to remove the weapon for temporary and secure storage. The state, state agencies, and political subdivisions may limit or prohibit firearms in a public establishment or at a public event that is issued a liquor license at times when alcoholic beverages are available for consumption on the premises, with some exceptions. The limit or prohibition must be done with specified signs and meet other requirements. An employee or official acting on behalf of the state, agency, or political subdivision who knowingly violates this statute is guilty of a class 5 felony, and no public monies may be spent defending a person who is charged with a violation.

First sponsor: Sen. Gould

Others: Rep. Barton, Rep. Burges, Rep. Crandell, Rep. Gowan, Rep. Harper, Rep. Judd, Rep. Mesnard, Rep. Seel, Rep. Smith, Rep. Stevens, Sen. Murphy, Sen. Nelson, Sen. Pearce

General Comments (all lists):

Among the many cl 5 felonies it creates is the one if you don't prosecute your own agencies the CA's can be charged; also changes Shannon's Law

S1201 Daily
History

Date Action

FIREARMS OMNIBUS 1/24 referred to Senate jud.